

1  
2  
3  
4  
5  
6 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 DYLAN JAMES DOWNEY,

9 Plaintiff,

10 v.

11 STUART ANDREWS M.D., et al.,

12 Defendants.  
13

Case No. C17-968-JCC-JPD

ORDER DENYING WITHOUT  
PREJUDICE MOTION TO APPOINT  
COUNSEL

14 This is a 42 U.S.C. § 1983 prisoner civil rights action. The Court granted plaintiff's  
15 motion to proceed *in forma pauperis* and directed that his complaint be served on defendants.  
16 Currently before the Court is plaintiff's motion for appointment of counsel. Dkt. 1-5.

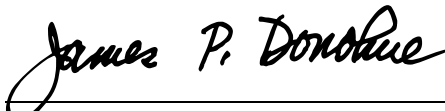
17 Generally, a person has no right to counsel in a civil action. *See Campbell v. Burt*, 141  
18 F.3d 927, 931 (9th Cir. 1998). In certain "exceptional circumstances," the Court may request the  
19 voluntary assistance of counsel for indigent civil litigants under 28 U.S.C. § 1915(e)(1).  
20 *Agyeman v. Corrections Corp. of Am.*, 390 F.3d 1101, 1103 (9th Cir. 2004). When determining  
21 whether "exceptional circumstances" exist, the Court considers "the likelihood of success on the  
22 merits as well as the ability of the [plaintiff] to articulate his claims pro se in light of the  
23 complexity of the legal issues involved." *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983).

ORDER DENYING WITHOUT  
PREJUDICE MOTION TO APPOINT  
COUNSEL - 1

1 Based on the allegations in plaintiff's complaint, this case does not appear to involve  
2 complex facts or law. Plaintiff appears able to articulate his claims *pro se* in light of the  
3 complexity of the legal issues involved, as evidenced by the fact that the Court deemed his  
4 complaint serviceable. In addition, at this early stage in the proceedings, plaintiff has not shown  
5 that he is likely to prevail on the merits of his claim. Accordingly, the Court cannot make a  
6 finding that exceptional circumstances exist. Plaintiff's motion to appoint counsel is DENIED  
7 without prejudice to refiling after the case is more developed.

8 The Clerk is directed to send copies of this order to the parties and to the Honorable John  
9 C. Coughenour.

10 Dated this 11th day of July, 2017.

11   
12 JAMES P. DONOHUE  
13 Chief United States Magistrate Judge  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23